

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1127 OF 2026

Dr. Jitendra Tukaram Kharade	... Applicant
Versus.	
The State of Maharashtra	... Respondent

Mr. Manoj Mohite a/w Aadit Ved i/b Mr. Nilesh Navale, Advocates
for Applicant.

Ms. A. S. Gotad, APP for Respondent No. 1 – State.

A. S. Khismatrao – PSI, Shahapur Police Station, Thane.

CORAM : ASHWIN D. BHOBE, J.

DATE : 29th APRIL, 2026

P.C. :

1. Heard, Mr Manoj Mohite learned Senior Advocate for the Applicant and Ms. A. S. Gotad learned APP for the Respondent – State.

2. By the present Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks pre-arrest bail, apprehending arrest in Crime No. 228 of 2026, dated 4th March, 2026, registered with Shahapur Police Station, Shahapur (FIR), for offences punishable under Sections 118(1),

115(2), 352, 351(2) & 118(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution is that on 3rd March, 2026, at about 9.15 hours, the Informant, while reaching the vegetable shop situated at Sayyad Hospital, Taluka Shahapur, district Thane, on his motorcycle, was abused and assaulted by the Applicant. It is alleged that the Applicant kicked the Informant's scooter, abused and assaulted him with a sharp weapon near his left wrist, thereby causing injury to him.

4. Mr. Manoj Mohite learned Senior Advocate for the Applicant, tenders a copy of the "Japti Panchnama" dated 9th March, 2026, which pertains to the CCTV footage recording the incident of 3rd March, 2026. He submits that the said Japti Panchnama was handed over to the Applicant by the prosecution during the hearing in Anticipatory Bail Application No. 536 of 2026 before the Additional Sessions Judge, Kalyan. By referring to the Japti Panchnama, he submits that the allegation made in the complaint, on the basis of which the FIR is lodged, is not supported by the CCTV footage that recorded the incident. He

submits that the CCTV footage Panchnama, in fact, discloses that it is the Informant (wearing white shirt) who has assaulted the Applicant (wearing yellow shirt) and not vice versa. He submits that the Applicant has filed a complaint, upon which FIR No. 227 of 2026 was registered by the Shahapur Police Station. He submits that the Informant (in Crime No. 228 of 2026) was taken into custody and is presently in jail. He refers to the photograph on page No. 29 showing the assault on the Applicant and the injury suffered by him on 3rd March, 2026. He submits that the Applicant, a practising doctor, is infact the victim in the present crime. He submits that the Applicant has no criminal antecedents. He submits that the Applicant is ready and willing to co-operate with the investigation and to abide by any conditions that may be deemed fit and proper.

5. Ms. A. S. Gotad learned APP for the Respondent – State, submits that the CCTV footage (Japti Panchnama) dated 9th March, 2026 indicates a scuffle between the Applicant and the Complainant. She, however, does not contest the contentions of Mr. Manoj Mohite learned Senior Advocate for the Applicant, regarding the said panchnama, which refers to an assault by the

person wearing the white shirt, who, according to Mr. Manoj Mohite, is the Informant, on the person wearing the yellow shirt, who, again according to Mr. Manoj Mohite, is the Applicant herein. She submits that the weapons which are used in the offence have been recovered by the Investigating Officer. She submits that the injury certificate of the Informant was obtained by the Investigating Officer.

6. Perused the records.

7. The Japti Panchnama dated 9th March, 2026, produced and relied upon by Mr. Manoj Mohite learned Senior Advocate for the Applicant, as well as by Ms. A. S. Gotad learned APP, records an squabble between the Applicant and the Informant. As rightly submitted by Mr. Manoj Mohite, the Informant appears to be the assailant. The Injury Certificate dated 3rd March, 2026, of the Sub District Hospital Shahapur produced for perusal by Ms. A. S. Gotad learned APP, indicates that the nature of the injury suffered by the Informant is simple. Mr Manoj Mohite learned Senior Advocate for the Applicant, is right in his submission that the Injury certificate of the Informant does not show any external injury on the body of

the Informant and that no injury is seen on the Informant that can be caused by a sharp weapon.

8. Considering the nature of the allegations, the Japti Panchnama dated 9th March, 2026 read with the medical certificate of the Informant and the fact that the Investigating Officer has not sought any recovery from the Applicant, the Applicant a Doctor by profession without any criminal antecedents, the balance tilts in favour of protecting the Applicant's liberty, particularly when the prosecution has not demonstrated the necessity of custodial interrogation.

9. In view of the above, this Application is allowed on the following terms:-

(a) In the event of arrest of the Applicant in FIR No.228 of 2026 dated 4th March, 2026 registered with Shahapur Police Station, the Applicant shall be released on bail on furnishing a PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two local sureties in the like amount.

(b) Applicant shall report to the Investigation Officer, Shahapur Police Station, on 2nd and 4th Saturday of every month between 11.00 am to

12.00 pm., commencing from the month of May 2026. In the event the Applicant is required on any other day, by the Investigating Officer, the Applicant shall ensure his presence before the Investigating Officer.

(c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.

(d) Applicant shall not tamper with evidence in any manner.

(e) Applicant shall provide the Investigation Officer with his residential address along with proof, his contact number, email and must inform the Investigating Officer of any changes to this information from time to time.

(f) Applicant shall co-operate with the Investigating Officer in the process of investigation of the present Crime.

10. Anticipatory Bail Application No. 1127 of 2026 is disposed of.

11. It is clarified that the observations made herein are confined to determining the Applicants' entitlement to pre-arrest bail only.

(ASHWIN D. BHOBE, J.)